

***Delta Protection Commission***  
***Land Use and Resource Management Plan Update 2009***

**Summary Record of Comments from the Public Review Draft**  
**Workshops, February 2009**

This document includes all the comments that were made at the public workshops on the Delta Protection Commission's review draft of an updated Land Use and Resource Management Plan. Comments from each of the two meetings are organized by element and then by policy, also listing comments related to goals, general comments, suggested additional policies, and suggested glossary terms. It is meant to be used in conjunction with the actual text of the Public Review Draft Plan which can be found at, <http://www.delta.ca.gov/plan/management.asp>.

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Meeting Overview .....	1
Day 1 - Isleton Community Center, Isleton .....	2
Day 2 - Courtland Auditorium, Courtland.....	5

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## **Meeting Overview**

Linda Fiack of the Delta Protection Commission (DPC), welcomed participants to the meeting. Dorian Fougères, Assistant Facilitator with the Center for Collaborative Policy, walked through the agenda and went over the groundrules. Ms. Fiack gave a background on the history of the Delta Protection Act, the purpose of the Land Use and Resource Management Plan, and the update process. She pointed out the timeline on page 4 of the workbook ([http://www.delta.ca.gov/pdf/Workbook\\_B\\_DPC\\_MPU.pdf](http://www.delta.ca.gov/pdf/Workbook_B_DPC_MPU.pdf)) in order to explain these meetings in the context of the DPC MPU process. The February workshops are the third round of public workshops for this process. The 12-member Planning Advisory Team (PAT), which is representative of various types of expertise from local and State government, will meet for the final time in early March. After this there will be a series of public hearings from March – May. Finally, at the May 21<sup>st</sup> Delta Protection Commission meeting, the updated Plan will be presented for finalization and/or adoption.

Mr. Fougères then explained what was different about the Public Review Draft Plan, compared to the 1995 Plan. The Public Review Draft Plan has seven elements, while the 1995 Plan has nine elements. One of the elements from the 1995 Plan; Marine Patrol, Boater Education, and Safety Programs, was included (as Marine Patrol and Boating) into the Recreation and Access element in the Public Review Draft Plan. The 1995 Plan also included a ninth element on implementation. The 1995 plan had included findings as a separate section, while each of the seven elements in the Public Review Draft Plan have an introductory discussion that provides findings on the status and trends of relevant

aspects of the Delta. The Public Review Draft Plan no longer includes recommended actions, as these will be moved to the DPC's strategic plan. Finally, three additional features will be added to improve the accessibility of the Management Plan; a glossary of key terms, an index and a series of cross-reference boxes.

Dorian Fougères, asked what people's preferences were for the format of the workshops. Based upon the number of attendees, it was decided to discuss the topics as one group at both workshops. Mr. Fougères recorded comments on flip charts, while DPC staff took detailed notes via laptop. Participants were also given the opportunity to turn in their workbooks with additional comments to DPC staff if they so choose. After receiving this input, Ms. Fiack closed the discussion and mentioned that comments and a summary would be posted online, and that people could give additional comments via the survey link on the DPC's Management Plan Update (MPU) process website, <http://www.delta.ca.gov/plan/management.asp>. Participants were thanked for attendance and involvement.

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## **Day 1 - Isleton Community Center, Isleton**

Wed., Feb 4<sup>th</sup>, 5:30 pm-9 pm

Due to small turnout, participants decided to meet as one group and discuss the themes from the January workshops and other major changes from the Preliminary Draft Plan that had been recently proposed. Mr. Fougères went through these themes and major changes. Participants gave their input throughout the evening on these topics, as well as any other issues or concerns related to the Public Review Draft Plan.

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## **LAND USE ELEMENT**

### **Policy 3**

- 1) The end of option 1 should read the same as the end of option 2; '...based on applicable general plan policies and criteria included in Right-to-Farm Ordinances adopted by local jurisdictions.'
- 2) Check with Dan Ray of State Parks about possible standards for buffer widths that have been used in other instances.
- 3) In order to minimize appeals, we need clarification around where buffer begins (i.e., from property line...)
- 4) Buffer policies should be as specific as possible. To minimize appeals, 500 feet should be identified.

#### **Policy 4**

- 5) Word ‘availability’ in option 2 is a bit odd.
- 6) Option 2 should be scratched or at least discussed by the Planning Advisory Team.

#### **Policy 11**

- 7) Need to divide into two policies, one on clustering and one on TDRs as they are two separate things.

#### **Policy 16**

- 8) Need to discuss issues of seepage onto residential housing
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## **RECREATION AND ACCESS (INCL. MARINE PATROL AND BOATING) ELEMENT**

#### **Additional Policies**

- 9) Need to recognize salinization issues in order to protect agricultural resources. Gates would be similar to bridges, which can be passed through.
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## **WATER ELEMENT**

#### **Policy 5**

- 10) Option 4 should say ‘Delete Altogether.’
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## **LEVEES ELEMENT**

#### **General comments**

- 11) Applicable senate bills should be referenced as those are hard fought battles.  
Determine a way to reference legislation in place as of date of revision in the index, and then say subsequent applicable legislation is on the website.

#### **Policy 5**

- 12) The old policy P-2 became the current P-5, but excluded the part about having vegetation on levees. Component on levee vegetation should be added to this policy.
- 13) Use phrase in levee report from DWR on levee vegetation standards.

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## UTILITIES AND INFRASTRUCTURE ELEMENT

### **Goals**

14) Term ‘excessive construction’ is overly restrictive.

### **Policy 5**

15) Delete second sentence.

16) Should try and improve safety, through traffic and emergency services and not have piddly little roads. Draft language; “Promote the maintenance and enhancement of major thoroughfares already used as cross-Delta corridors, such as Highway 4 and Highway 12, to facilitate emergency services and discourage the use of Delta levee roads by commuter traffic.”

## Day 2 - Courtland Auditorium, Courtland

Wed., Feb. 11<sup>th</sup>, 5:30 pm-9 pm

Based on the number of attendees, it was decided to have a small group discussion, element by element, using the workbook as a guide. Participants were given several minutes to read the goals and policies for each element, then given the opportunity to voice and discuss any comments they had.

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### NATURAL RESOURCES ELEMENT

#### General comments

17) Policies adequately accomplish goals.

#### Policy 2

18) Change *shall* (used two times in second sentence) to *should*.

#### Policy 8

19) In second sentence; "...should be *provided*..." change to "...should be *encouraged*..." or "...should be *sought*..."

#### Glossary Terms

20) Prime Soil

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### LAND USE ELEMENT

#### General comments

21) The environmental impact of developing setback levees has been overlooked (*note: cross referenced under levees*)

#### Policy 3

22) Option 1 – need to emphasize five county consistency.

23) All options – Concern with how buffer setback distance will be interpreted and applied in the future.

24) Question about how buffer lands will be maintained.

25) Option 2 – Replace 'adjacent agricultural *use*.' with 'adjacent agricultural *parcel*.'

26) Buffers are a commission level concern as consistency amongst counties is necessary.

- 27) Check if the Department of Food and Agriculture has suitable guidance that we can reference for buffers.
- 28) Option 1 is preferred as it provides a more uniform standard to be applied consistently and throughout the primary zone.

#### **Policy 4**

- 29) Option 2's language is superfluous.
- 30) Option 1 should reference historic growth rate.
- 31) '...as required by law.' like option 2 says.
- 32) Neither option 2 and 3 allow for residential development until infrastructure and flood control are provided.

#### **Policy 12**

- 33) Option 2 – preferred intent of Act
- 34) Option 2 is preferred. By referring back to zoning of 1992, this option restricts expansion of inappropriate residential densities or entitlements in agricultural areas.
- 35) Option 2 may be at odds with itself. Question if clustering can occur if everything is consistent with zoning of 1992. Legal counsel should review it.
- 36) Concern: Not clearly just applicable to agricultural zones.

#### **Policy 14**

- 37) There needs to be a clear understanding of what 'agricultural housing' and 'ancillary to agricultural operations' mean. This could be used as a way of increasing inappropriate residential density in the agricultural area if not restricted.
- 38) 'Appropriately-located agricultural labor camps and housing' needs definition.

#### **Policy 16**

- 39) Should read, 'The conversion of a parcel, parcels and/or an island to a water impoundment structure shall not result in unwanted seepage of water onto or under the adjacent parcel, parcels and/or island.'

#### **Glossary**

- 40) Buffer Setbacks. Where is the setback from; building, property line, parking lots?

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## **AGRICULTURE ELEMENT**

#### **Policy 2**

- 41) Confusion about what is done first, could have more specificity or examples.
- 42) Remove references to 'growing season and mild climate' as all parts of primary zone will be the same in these regards.
- 43) After 'rich soil' add 'and.'

### **Policy 8**

44) In order to be consistent with P-5 (reduce subdivision of agricultural lands), add after January 1, 1992 '...any changes in those zoning codes shall be limited to allow for the expansion of the unincorporated towns consistent with historical growth rates or to allow for agriculturally-oriented commercial and industrial uses.'

45) Otherwise take out P8 as P5 says to reduce subdivisions of agricultural lands.

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## **RECREATION AND ACCESS (INCL. MARINE PATROL AND BOATING) ELEMENT**

### **Goals**

46) Strike the term 'recreational' in the 4<sup>th</sup> line

### **Policy 8**

47) Strike 'from the landowner' off the end of the sentence.

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## **WATER ELEMENT**

### **Goals**

48) Delete 'all' and 'designated.'

### **Policy 1**

49) Drop 'appropriate.'

50) End after '...drinking water.'

### **Policy 3**

51) Should reference existing standards instead of inviting new standards to be set.

52) Drop 'adequate'

53) Drop 'set and'

### **Policy 4**

54) Why is this only mercury when ammonia is also a concern? Ammonia is an issue and should go to advisory team and perhaps be called out in P-3.

### **Policy 5**

55) Option 1 and 2 should be deleted as they are outside of the responsibility of the DPC (agreed upon by several people).

- 56) Option 3 is good as it is generic (agreed upon by several people).  
57) Preferred options are 2 or 4 (4 dependent on rationale for deletion).

### **Policy 6**

- 58) Add something about *‘protecting established agricultural water uses.’*

### **Additional Policies**

- 59) Need policy around water intake screening as it can be a financial burden and thus impact water rights. Need to include financial mechanism for screening of intakes.
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## **LEVEES ELEMENT**

### **General comments**

- 60) The environmental impact of developing setback levees has been overlooked (*note: cross referenced under land use*).

### **Goals**

- 61) Need to rephrase the 3<sup>rd</sup> line to state ‘...promoting permit review...’ as opposed to actually coordinating them.

### **Policy 2**

- 62) Change “...shall include...” to ‘...may include but are not limited to...’  
63) Otherwise, after governments it could read ‘that include but are not limited to...’

### **Policy 6**

- 64) Redundant with P-2 and could be broadened to emergency preparation.

### **Policy 8**

- 65) Needs to emphasize that ‘dredging is an appropriate measure to increase instream flow’ as it currently is missing the point.

### **Policy 8 and Policy 10**

- 66) Should be combined.

### **Policy 11**

- 67) This policy is good as P-5 does not talk about the Army Corps of Engineers and therefore P-11 and P-5 should be combined.
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# UTILITIES AND INFRASTRUCTURE ELEMENT

## **Policy 1**

68) Following edges of fields is unrealistic and inappropriate. In third sentence add; ‘*new* utility lines’ and ‘edges of fields and *existing rights of ways*.’

## **Policy 2**

69) In last sentence change ‘shall’ to ‘should.’

70) Need to clarify if what ‘Agricultural uses’ refers to, if it includes agricultural businesses and facilities.

71) Should mention protecting private property rights when it comes to wells. Maybe just cross reference this with Water P-6.

72) Monitoring tax is also a concern as well as the ability to drill.

73) Delete last sentence or change to read; ‘Independent treatment facilities may be monitored where cumulative adverse impacts to groundwater are identified.’